

CONSTITUTIONAL CRIMINAL PROCEDURE I
Syllabus

M/W 6:15 – 9:00 PM

The text to be used for Professor Grossman’s part of the course will be Kamisar, LaFare, Israel, King & Kerr, Basic Criminal Procedure (13th edition). Page references appearing on the attached assignment sheet refer to this text. In addition to the matters covered in the text, a few Maryland decisions have been assigned. Note that because of the truncated nature of the summer semester, assignments need to be longer to reflect the fewer but longer class sessions.

Your grade is based on the final examination and can be affected by your performance in class.

Professor Grossman’s office number is LC 416, his phone number (410) 837-4603 and his e mail is sgrossman@ubalt.edu. Professor Forster can be reached at (443) 790-1741 or by e mailing her at nsforster@gmail.com. Both are available to discuss with you matters dealing with the subject matter of this course or entirely unrelated to it.

Class Assignment

- 5/20 Introduction to the Criminal Justice System and Expectation of Privacy, Pp.1-18, 264-284 , after *Greenwood*, read *Venner v. State*, 30 Md. App. 599, 354 A.2d 483, after *Jones*, read *Florida v. Jardines*, 569 U.S._ (decided March 26, 2013)
- 5/22 Probable Cause, Warrants and Warrantless Arrests, Pp. 292-329
- 5/29 Warrant Exceptions, Pp. 332-368 (through *Hicks*)
- 6/3 Warrant Exceptions II, Pp.368-408
- 6/5 Stop and Frisk, Pp. 408-439
- 6/10 Due Process Voluntariness
1. *Brown v. Mississippi*, 297 U.S. 278 (1936)
 2. *Spano v. New York*, 360 U.S. 315 (1959)
 3. *Arizona v. Fulminante*, 499 U.S. 279 (1991)
 4. *Colorado v. Connelly*, 479 U.S. 157 (1986)

The Fifth Amendment and *Miranda v. Arizona*

1. *Miranda v. Arizona*, 384 U.S. 436 (1966)

2. *Chavez v. Martinez*, 538 U.S. 760 (2003)
3. *Florida v. Powell*, 130 S.Ct. 1195 (2010)

6/12 *Miranda*: The Custody Requirement

1. *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011)
2. *Berkemer v. McCarty*, 468 U.S. 420 (1984)
3. *Yarborough v. Alvarado*, 541 U.S. 652 (2004)

Miranda: The Interrogation Requirement

1. *Rhode Island v. Innis*, 446 U.S. 291 (1980)
2. *Illinois v. Perkins*, 496 U.S. 292 (1990)

Exceptions to Applicability of *Miranda*

1. *New York v. Quarles*, 467 U.S. 649 (1984)
2. *Pennsylvania v. Muniz*, 496 U.S. 582 (1990)

6/17 Invocation of *Miranda* Rights

1. *Michigan v. Mosley*, 423 U.S. 96 (1975)
2. *Edwards v. Arizona*, 451 U.S. 477 (1981)
3. *Maryland v. Shatzer*, 130 S.Ct. 1213 (2010)
4. *Howes v. Fields*, 132 S.Ct. 1181 (2012)
5. *Davis v. U.S.*, 512 U.S. 452 (2004)
6. *Berghuis v. Thompkins*, 130 S.Ct. 2250 (2010)

Waiver of *Miranda* Rights

1. *North Carolina v. Butler*, 441 U.S. 369 (1979)
2. *Moran v. Burbine*, 475 U.S. 412 (1986)
3. *Minnick v. Mississippi*, 498 U.S. 146 (1990)

6/19 Use of Evidence After a *Miranda* Violation

1. *Oregon v. Elstad*, 470 U.S. 298 (1985)
2. *Missouri v. Seibert*, 542 U.S. 600 (2004)
3. *Harris v. New York*, 401 U.S. 222 (1971)

Sixth Amendment Right to Counsel: When Does It Apply?

1. *McNeil v. Wisconsin*, 501 U.S. 171 (1991)
2. *Maine v. Moulton*, 474 U.S. 159 (1985)
3. *Rothgery v. Gillespie County*, 128 S.Ct. 2578 (2008)

Sixth Amendment Right to Counsel: Invocation

1. *Montejo v. Louisiana*, 129 S.Ct. 2079 (2009)
2. *Texas v. Cobb*, 532 U.S. 162 (2001)

6/24 Waiver of Sixth Amendment Right to Counsel

1. *Iowa v. Tovar*, 541 U.S. 77 (2004)
2. *Patterson v. Illinois*, 487 U.S. 285 (1988)

Pre-Trial Identification Procedures

1. *United States v. Wade*, 388 U.S. 218 (1967)
2. *Stovall v. Denno*, 388 U.S. 293 (1967).
3. *Kirby v. Illinois*, 406 U.S. 682 (1972)
4. *Neil v. Biggers*, 409 U.S. 188 (1972)
5. *U.S. v. Ash*, 413 U.S. 300 (1973)
6. *Manson v. Braithwaite*, 432 U.S. 98 (1977)
7. *Perry v. New Hampshire*, 132 S.Ct. 716 (2012)

6/26 Identification Procedures: A Need for Reform

1. *State v. Henderson*, 27 A.3d 872 (N.J. 2011)
2. *State v. Romero*, 922 A.2d 693 (N.J. 2007)
3. *State v. Dubose*, 699 N.W.2d 582 (Wis. 2005)
4. *Bomas v. State*, 412 Md. 392 (2010)

7/1 Administrative Searches and Consent Searches, Pp. 439-469

7/3 Exclusionary Rule and Standing, Pp. 227-262, 884-892